

Theresa D. Moore (99978)  
Attorney at Law  
One Sansome Street, 35<sup>th</sup> Floor  
San Francisco, CA 94104  
Telephone: (415) 434-8900  
Facsimile: (415) 434-9200  
[tmoore@aliotolaw.com](mailto:tmoore@aliotolaw.com)

*Counsel For Indirect Purchase Plaintiffs*

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

**IN RE: CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION**

Case No. 3:07-cv-5944 JST  
MDL No. 1917

**CLASS ACTION**

This Document Relates to:  
All Indirect Purchaser Actions

**OBJECTION TO SPECIAL MASTER'S  
REPORT AND RECOMMENDATION RE  
ALLOCATION OF IPP CLASS COUNSEL  
ATTORNEYS' FEES (DKT 4971, 4976)**

Judge: Honorable John S. Tigar

1 I, Theresa D. Moore, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California, I make this  
3 declaration based on my own personal knowledge, and if called to testify as a witness in this  
4 matter, I could and would competently testify to the facts contained herein.

5 2. I make this declaration in support Of Objection To Special Master's Report And  
6 Recommendation Re Allocation Of IPP Class Counsel Attorneys' Fees (Dkt 4971, 4976,  
7 4825.4873)

8 3. I am an attorney licensed to practice before the courts of the State of California as  
9 well as the United States District Courts for the Northern, Eastern and Central Districts of  
10 California, as well as admitted Pro Hoc Vice in Federal Courts throughout the nation. I am Of  
11 Counsel to the law firm of Alioto Law Firm, and make this Declaration in support of my own  
12 personal work in this matter at bar, and not those of the Alioto Law Firm. Any further request for  
13 expenses or attorneys' fees from the Alioto Law Firm do not include my work in this case. I have  
14 personal knowledge of the facts stated in this declaration and, if called as a witness, I could and  
15 would testify competently to them. I make this declaration in support of my own request for  
16 attorneys' fees.

17 4. I have been a trial lawyer for 34 years, as a Deputy District Attorney prosecuting  
18 cases on behalf of the State of California, and in civil litigation prosecuting antitrust cases in  
19 Federal and State Courts almost exclusively on behalf of antitrust plaintiffs. To date I have been  
20 lead and/or co lead counsel in approximately 130 trials to verdict, having practiced both criminal  
21 and civil litigation. I began my antitrust career with the Alioto Law Firm of Joseph M. Alioto in  
22 1981 when I participated in my first antitrust trial. I then practiced as a Deputy District Attorney in  
23 San Francisco for seven and one half years until returning to advocacy teaching and practice of  
24 civil antitrust litigation at the Alioto Law Firm. I am a trial attorney specializing in advocacy, and  
25 my substantive legal focus includes antitrust, unfair competition, business, consumer and complex  
26 class actions. I am a Judge Pro Tem for the State of California San Francisco Superior Court, since  
27 1996.

1           5.       I am a distinguished Professor Adjunct in Trial/Evidence Practice at University of  
2 California Hastings College of the Law where I have been teaching trial advocacy since the 1995-  
3 1996 academic year.

4           6.       I have served on multiple occasions as Co-chair, Keynote Speaker, and Instructor at  
5 the National College of Advocacy, and Intensive Advocacy Program.

6           7.       I have authored books and articles, the most recent was published this year in 2016  
7 by Lexis Nexis and the National Institute of Trial Advocacy, consisting of the third book in a  
8 series of separate books on trial practice under my trademark of Trial By Fire.

9           8.       I am a Certified Mediator and a Special Master. In my capacity as a negotiator and  
10 mediator I have successfully mediated approximately 150 cases for many private and government  
11 organizations, including the Federal Equal Employment Opportunity Commission, Multi-Option  
12 ADR Project, State of California First District Court of Appeal, Conflicts Resolution Center, San  
13 Francisco Superior Court and San Mateo County Courts, Bar and Community as a partial list.

14           9.       I studied at the Sorbonne and Institut d'Études Politiques de Paris in Paris, France,  
15 received my Bachelor of Arts from Santa Clara University, and my Juris Doctorate from  
16 University of California Hastings College of the Law.

17           10.      As an IPP counsel with Alioto Law Firm appearing for the benefit of multiple  
18 related case named class members, and I have been involved as IPP counsel in the CRT litigation  
19 from the earliest stages, during the course of the litigation I handled the CRT matter. I was very  
20 prudent and discriminating in my reading of documents, and only did so when I felt it necessary  
21 and did consult with lead Counsel. (Fee Declaration, Dkt 4825) In the time since May 2015 my  
22 time has been devoted to enhancing the benefits for the IPP class members.

23           11.      Post settlement work includes research, analysis, preparing and presenting the  
24 objection to the Court, as well as replies, oppositions, and replies to oppositions, court  
25 appearances, evidentiary hearings, oral arguments, opposing multiple motions, including those to  
26 continue and to compel which were solely intended to eliminate the objections, as well as  
27 assessing and advising about the risks.

1           12. Attached as Exhibit B is a true and correct copy of the Summary of Total Lodestar.  
2 The total number of attorney hours reasonably expended on this litigation by me or by Jill Lin,  
3 Esq. at my direction is 554.45 hours for a lodestar of \$431,147.50. The total hours expended from  
4 inception to May 31, 2015 is 250.6 hours and from September 2015 to August 2016 is 318.85.  
5 The total lodestar at historical rates is \$ \$406,361.25 and the total lodestar at current rates is  
6 \$431,147.50. The rates charged are reduced from what I would normally charge a private client,  
7 and have been approved in LCD over 4 years ago, as well as in CRT. Throughout the course of  
8 this litigation, I have kept files contemporaneously documenting all time spent, including tasks  
9 performed, and expenses incurred. All of the time reported were incurred for and has benefitted all  
10 IPP class members. All daily time records are available for the Court for review and will be made  
11 available to the Court if desired.

12           13. Attached hereto as Exhibit A is a true and correct copy of the certified transcript of  
13 Hearing Before Special Master Hon. Marvin Quinn on October 5, 2016 at 1:30 pm.

14           14. It was a very difficult decision to accept the request for representation from the  
15 Objector clients. After research, analysis and much contemplation in 2015 I accepted the request of  
16 multiple class members for representation in their objections to the settlement in order to benefit  
17 the class. Their objections are valid and serious. I have spent my entire career representing and  
18 working to correct situation for victims. As a counsel that typically represents plaintiffs in private  
19 and class action cases, I have spent years developing cooperative working relationships with other  
20 plaintiffs' firms, including firms serving as Class Counsel in this case. Representing an objector  
21 class member to a settlement is anathema to many lawyers in this field, and often to Courts as well,  
22 and I put my entire career and relationships in the legal community in jeopardy and at risk in  
23 agreeing to represent these class members.

24           15. I accepted the request for representation because I was uniquely qualified to  
25 represent them. In addition to the experience and qualifications listed above, I acted as co-lead  
26 counsel in LCD and was innately familiar with the CRT and LCD cases. With this knowledge I  
27 was able, in a comparatively short time frame, to analyze the record in the case, to determine what  
28

1 had actually occurred and to develop an effective approach for communicating these concerns  
2 about the settlement amount to the Court. I was also familiar with vital information which was not  
3 in the record presented to this current Judge.

4 16. I represent these objector class members on a contingent basis, and have received  
5 no payment for my work. In addition to assuming the risk of not being paid for the time devoted  
6 representing class member objectors, I was also precluded from devoting resources to other cases  
7 and potential new cases. There are cases I did not file, cases I did not participate in, and clients  
8 that I did not accept for representation due to this CRT matter. Although the hours listed are few,  
9 the commitment has been enormous and the work load heavier than it appears, with multiple  
10 additional briefing and rewriting ordered and required. In addition since so much public  
11 information remains under seal, it was necessary to be extremely careful in all review of every  
12 required reading and record research to avoid any unintentional release of claimed confidential  
13 information. In addition to assuming the risk of not being paid for the time devoted representing  
14 class member objectors, I was also precluded from devoting resources to other cases and potential  
15 new cases.

16 17. My private antitrust actions clients usually pay far more than 33% of the recovery.  
17 When I represent sophisticated clients on a contingency basis, it is pursuant to agreements that  
18 contain fee percentages higher than 33% of the recovery. It is my belief that it is common that  
19 plaintiffs typically agree to pay contingent fees of 33% to 40% in opt out cases.

20  
21 I declare under penalty of perjury that the foregoing is true and correct. Executed this 11<sup>th</sup> day of  
22 November, 2016 in San Francisco, CA.

23 /s/ Theresa D. Moore

24 Theresa D. Moore